IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 32346 of 1997

Dated: 22.02.2007

Between:
1.P.Surendra, S/o Ramappa, 45 years, Agriculturist,
R/o Talupula village & Mandal, Anantapur District.
2.P.Krishna Murthy, S/o Ramappa, 42 years,
Agriculturist, R/o Talupula village & Mandal,
Anantapur District.

..... PETITIONERS

AND

1.The District Collector, Anantapur.
2.The Revenue Divisional Officer-cum-
Land Acquisition Officer, Penukonda,
Anantapur District.
3.The Mandal Revenue Officer, Talupula
village & Mandal, Anantapur District. …RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.32346 of 1997

ORDER:

On 12.02.2007 having heard the learned Counsel for the petitioners, this Court directed the Assistant Government Pleader for Land Acquisition to file counter-affidavit and he undertook to file the same within a period of ten days. It was also made clear that if the counter-affidavit is not filed within the time stipulated, the writ petition will be decided basing on the averments made in the affidavit filed in support of the writ petition. Consequently the matter has been posted today. Despite the said warning no counter-affidavit is filed today.

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in proposing to acquire the lands of the petitioners in Sy.No.1141-1 admeasuring Ac.2.27 cents situated in Talupula village and Mandal, Anantapur District, as illegal and arbitrary.

The case of the petitioners is that they got the aforesaid land having succeeded from their ancestors and on 15.11.1997 it was brought to the notice of the petitioners that the 1st respondent-District

Collector has invoked the urgency clause for the purpose of acquisition of the lands in question and the 2nd respondent-Revenue Divisional Officer has been directed to take possession of the lands after expiry of 15 days after the publication of Section 9 (1) notice of the Land Acquisition Act. It is stated that the lands sought to be acquired are agricultural lands in which commercial crops are raised.

The main contention of the learned Counsel for the petitioners is that Section 4 (1) notification was not at all published in the village or at the place where the lands sought to be acquired are situate. The said aspect is not controverted by the learned Government Pleader for Land Acquisition. In view of the same, this Court is of the view that the contention put forth by the learned Counsel for the petitioners shall be accepted.

The writ petition is accordingly allowed. The respondents are directed not to acquire the lands of the petitioners in Sy.No.1141-1 admeasuring Ac.2.27 cents situated in Talupula village, Anantapur District. No costs.

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(GOPALA KRISHNA TAMADA, J)

22-02-2007
Gsn.